

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JIMMY BURNS,)
Petitioner,)
v.) No. 4:23-cv-00868-PLC
DORIS FALKENRATH,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. On July 12, 2023, the Court directed Petitioner Jimmy Burns to sign and date his 28 U.S.C. §2254 petition, and return it to the Court. On August 28, 2023, the Court notified Petitioner that it had not received his signed and dated petition, and ordered him to show cause why this matter should not be dismissed.

On September 8, 2023, Petitioner filed two pages of a 28 U.S.C. § 2254 petition and signed his name in the margin at the bottom of the second page. This filing does not meet Rule 2(c)(5) of the Rules Governing Section 2254 Cases in the United States District Courts, which provides that the petition must “be signed *under penalty of perjury* by the petitioner or by a person authorized to sign it for the petitioner.” Rule 2(c)(5) (emphasis added). Petitioner has not signed his petition under penalty of perjury. Notably, if Petitioner had signed page thirteen on the line indicating “Signature of Petitioner,” his signature would have been under penalty of perjury.

The Court grants Petitioner twenty-one (21) days from the date of this order to sign his petition on page thirteen under penalty of perjury and return his petition. If he fails to comply with

this order within the allotted time period, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall mail to Petitioner a copy of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, which is located at Docket No. 1.

IT IS FURTHER ORDERED that Petitioner shall sign and date the petition under penalty of perjury and return it to the Court within **twenty-one (21) days** of the date of this order.

IT IS FURTHER ORDERED that if Petitioner fails to return the signed and dated petition within **twenty-one (21) days** of the date of this order, the Court will dismiss this action without prejudice and without further notice.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 14th day of September, 2023.